

JODI S. HOWLETT, ESQ. (#039272007)

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Counsel for Defendant

Jersey City Board of Education (incorrectly pled as Jersey City Public Schools)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RADIAH BRADLEY,

Plaintiff,

v.

JERSEY CITY PUBLIC SCHOOLS, JOHN
DOES 1-10, AND XYZ CORP. 1-10,

Defendants.

Civil Action

Docket No.: 2:20-CV-12187

NOTICE OF REMOVAL

**TO: THE HONORABLE FRED A. WOLFSON, CHIEF JUDGE,
UNITED STATES DISTRICT COURT AND
JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ON NOTICE TO:

Clerk, Superior Court of New Jersey
Hudson County Superior Court
595 Newark Avenue
Jersey City, NJ 07306

Ty Hyderally, Esq.
Hyderally & Associates, P.C.
33 Plymouth Street, Suite 202
Montclair, New Jersey 07042

PLEASE TAKE NOTICE that Defendant, Jersey City Board of Education (incorrectly pled as Jersey City Public Schools), notice the removal of this action, pursuant to 28 U.S.C. §§ 1331, 1332 and 1441, et seq., from the Superior Court of New Jersey, Hudson, Law Division to the United States District Court for the District of New Jersey, and as grounds therefore show as follows:

TIMELINESS OF REMOVAL

1. On or about August 5, 2020, Plaintiff, Radiah Bradley served a Summons and Complaint on the Jersey City Board of Education (the “District” or “Defendant”).

2. The Complaint contains three (3) Counts.

3. The First Count alleges that the District “retaliated against Plaintiff and terminated her in retaliation for Plaintiff having taken FMLA leave.”

4. The Second Count alleges that the District “violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*, by discriminating against Plaintiff due to perceiving Plaintiff as handicapped and/or disabled.”

5. The Second Count alleges that the District “violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*, by retaliating against Plaintiff for engaging in the protected activity of taking disability leave and/or medical leave and/or requesting reasonable accommodations due to the medical/disability leave.”

6. The Supreme Court of the United States has affirmatively established that the thirty (30) day period to remove an action to federal court begins to run on the date of service of the Summons. Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 354 (1999).

7. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal has been timely filed within thirty (30) days after the named Defendant was served.

BASIS FOR REMOVAL

8. This action is properly removable under 28 U.S.C. § 1441(a)-(c), because the United States District Court has original jurisdiction in this case under 20 U.S.C. § 1415, which provides as follows:

Any party aggrieved by the findings and decision made under subsection (f) or (k) who does not have the right to an appeal under subsection (g), and any party aggrieved by the findings and decision made under this subsection, shall have the right to bring civil action with respect to the complaint presented pursuant to this subsection, which action may be brought in any State court of competent jurisdiction or in a district court of the United States, without regard to the amount in controversy.

The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount of controversy.

9. Attached hereto as Exhibit A is a true and accurate copy of all documents filed in the Superior Court action entitled, *Radiah Bradley v. Jersey City Public Schools, John Does 1-10, And XYZ Corp. 1-10*, HUD-L-02632-20.

10. In the Complaint, Plaintiff alleges that Defendant violated Plaintiff's civil and other rights granted by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.* See Exhibit A, Complaint, Counts II and III.

11. In the Complaint, Plaintiff alleges that Defendant violated Plaintiff's civil and other rights granted by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.* See Exhibit A, Complaint, Counts II and III.

12. Accordingly, this Court has subject matter jurisdiction pursuant to 20 U.S.C. § 1415.

13. Defendant has not previously sought similar relief.

WHEREFORE, Defendant, Jersey City Board of Education, respectfully requests this Honorable Court take jurisdiction of this action and issue all necessary orders and process to remove said action to the United States District Court for the District of New Jersey.

Respectfully submitted,

CLEARY GIACOBBE ALFIERI JACOBS, LLC
Attorneys for Defendant, Jersey City Board of
Education

By: /s/Jodi S. Howlett
JODI S. HOWLETT

Dated: September 1, 2020

LOCAL CIVIL RULE 11.2 CERTIFICATION

I, Jodi S. Howlett, Esq., counsel for Defendant, Jersey City Board of Education, certify that the matter in controversy is not the subject of any other action pending in any court nor any pending arbitration or administrative proceeding.

Cleary Giacobbe Alfieri Jacobs, LLC
Attorneys for Defendant, Jersey City Board of
Education

By: /s/Jodi S. Howlett
JODI S. HOWLETT

Dated: September 1, 2020

CERTIFICATION OF FILING AND SERVICE

I hereby certify that on this day, I electronically filed the foregoing Notice of Removal, Civil Cover Sheet and Disclosure Statement, with the United States District Court for the District of New Jersey, and forwarded a courtesy copy sent via NJ Lawyers Service, to:

William T. Walsh, Clerk
United States District Court for
the District of New Jersey
Clarkson S. Fisher & U.S. Courthouse
402 East State Street, Room 2020
Trenton, NJ 08608

I also hereby certify that on this day, I served a copy of the within Notice of Removal, Civil Cover Sheet and Disclosure Statement, via email and NJ Lawyers Service, upon Plaintiff's counsel as follows:

Ty Hyderally, Esq.
Hyderally & Associates, P.C.
33 Plymouth Street, Suite 202
Montclair, NJ 07042
tyh@employmentlit.com

I also hereby certify that on this day, I electronically filed and served a copy of the foregoing Notice of Removal, Civil Cover Sheet and Disclosure Statement, upon Hudson County Superior Court via NJ Lawyer's Service as follows:

Clerk, Superior Court of New Jersey
Hudson County
Civil Part, Law Division
595 Newark Ave.
Jersey City, NJ 07306

By: /s/Jodi S. Howlett
JODI S. HOWLETT

Dated: September 1, 2020